

**ZB# 07-12**

**Timothy Spindler**

**52-1-79.4**

07-12 Timothy Spindler (Area)  
2 Sean Ct. (shed) (52-1)

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553

*Granted 5-14-07*

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 52-1-79.4

In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

**TIMOTHY SPINDLER**

**AREA**

CASE #07-12

**WHEREAS, Timothy Spindler**, owner(s) of 2 Sean Court, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for variance to permit an existing 10 ft. X 14 ft shed to project closer to Sean Court than the principle building at 2 Sean Court in an R-1 Zone (52-1-79.4)

**WHEREAS**, a public hearing was held on May 14, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties in an R-1 zone.
  - (b) The proposed shed is located in its proposed location because the topography of the premises makes location of the shed, other than in the proposed location, not feasible. Part of the property accumulates water and is unsuitable for location of the shed. In addition, the proposed location of the shed will make it more usable.

- (c) In constructing the shed, the applicant will not remove any trees or substantial vegetation.
- (d) In building the shed, the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements
- (e) In building the shed, the applicant will not create the ponding or collection of water or divert the flow of water drainage. In fact, the proposed location of the shed is proposed partially to avoid these conditions.
- (f) The shed will be similar in size and nature to other sheds in the neighborhood.
- (g) Since the shed has been constructed, approximately 2 years, there has only been one complaints received about the shed, but that complaint does not appear to be of a substantial nature.

**WHEREAS**, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance(s).


**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for variance to permit an existing 10 ft. X 14 ft shed to project closer to Sean Court than the principle building at 2 Sean Court in an R-1 Zone (52-1-79.4) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: MAY 14, 2007

  
Chairman

TIMOTHY\_SPINDLER\_(07-12)

Mr. Timothy Spindler appeared before the board for this proposal.

MR. KANE: Request for variance to permit an existing 10 ft. x 14 ft. shed to project closer to Sean Court than the principle building at 2 Sean Court. Come on up, speak loud enough for the young lady to hear you. And I'll just ask if there's anybody in the audience for this meeting? Seeing as there's not, we'll proceed.

MR. LUNDSTROM: For the record, just your name.

MR. SPINDLER: Tim Spindler, 2 Sean Court, Rock Tavern, New York 12575. We have an existing 10 x 14 shed on our property, our house is I believe 61 feet away from Sean Court and our shed is currently 48 feet away, it's there because it's easier to access from Sean Court and also if we put the shed deeper into our property it's a little wet. So we tried to keep it in a dryer area and we're here today, I'm here today because our house is for sale and we didn't realize we needed a permit for it and we didn't want any complications when the sale of our house went through.

MR. KANE: Cut down any trees or substantial vegetation in the building of the shed?

MR. KANE: No.

MR. KANE: Creating any water hazards of runoff?

MR. SPINDLER: No.

MR. KANE: Any easements in the area that the shed is in?

MR. SPINDLER: There is in the area but it's

approximately 75 feet away from the shed.

MR. KANE: Any complaints formally or informally about the shed?

MR. SPINDLER: I believe there was, I think 1 Sean Court made a formal complaint.

MR. KANE: Recently?

MR. BABCOCK: Yes.

MR. SPINDLER: That's why I'm here.

MR. KANE: How long has the shed been up?

MR. SPINDLER: I believe two years.

MR. KANE: Just the one complaint from one neighbor?

MR. BABCOCK: Deborah Menkins, 1 Sean Court.

MR. KANE: Yeah, I remember. The shed, it's similar in size and nature to other sheds?

MR. SPINDLER: Yes.

MR. KANE: For instance like at 1 Sean Court?

MR. SPINDLER: It's smaller than that.

MR. TORPEY: Not over any easements?

MR. SPINDLER: No, it's not.

MR. KANE: At this point, I will open up the public portion and ask once again if there's anybody in the audience for this particular hearing? Seeing as there's not, I will ask Myra, I'll close the public portion, ask Myra how many mailings we had?

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MS. MASON: On May 1, I mailed out 22 addressed envelopes and had no responses.

MR. KANE: Is there any further questions from the board? Then I'll accept a motion.

MS. GANN: I will offer a motion that we grant Timothy Spindler's request for a variance to permit his existing 10 foot by 14 foot shed to project closer to Sean Court than the principle building.

MR. TORPEY: I'll second that.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE



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PRELIMINARY\_MEETINGS

MR. KANE: Preliminary meetings, I'll start off by saying that the Town of New Windsor holds two meetings, a preliminary meeting and then a public meeting. All decisions by the Zoning Board of Appeals have to be made in a public forum. The reason why we split it up is that in certain towns if you come in for the public hearing and you're not ready you lose. We decided that the way to go was to have a prelim so we can make sure that you have all the information you need and that you can get all the information we need to make an accurate decision on this. So that's why we do it in two sessions.

TIMOTHY\_SPINDLER\_(07-12)

MR. KANE: Tonight's first preliminary meeting is Timothy Spindler request for a variance to permit an existing 10 foot by 14 foot shed to project closer to Sean Court than the principal building in an R-1 zone.

MRS. SPINDLER: I'm his wife.

MR. KANE: Just state your name and address, speak loud enough for the young lady over there to hear you.

MRS. SPINDLER: Yeah, we, unfortunately it's an existing project already we did not realize that we'd need the permit because, it was just a shale on the bottom and I think that someone might of told us that we didn't need a permit for that so we're, we have put the house for sale and turns out that it is needed.

MR. KANE: That's normally when it comes up.

MRS. SPINDLER: It's all the way in the back which I'm not sure that you can see from the pictures all the way in the back of the property near the woods within our fenced yard, fenced in yard. It's close to the double

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sided gate that we have on Sean Court facing Sean Court.

MR. KANE: Cutting down any trees or substantial vegetation in the building of the shed?

MRS. SPINDLER: Not at all.

MR. KANE: Has the placement of the shed created water hazards or runoffs?

MRS. SPINDLER: No, sir.

MR. KANE: These are going to be very similar questions that you're going to get in a public hearing. Any complaints formally or informally about the shed?

MRS. SPINDLER: We, our next door neighbor which you--

MR. KANE: I know.

MRS. SPINDLER: She did us a favor, we really didn't think we needed it, it would have been a problem for the closing for the new people so it's good that it happened that way but yes and never to us, actually, we heard it from the inspector that came to us.

MR. KANE: The 10 x 14 shed would you say that's similar in size to other sheds that are in your neighborhood? It's not oversized?

MRS. SPINDLER: It's smaller actually than even the one right across the street and we do have that easement, AT&T easement, it's far from that.

MR. KANE: That was my next question, no easements?

MRS. SPINDLER: No, sir.

MR. KANE: Any further questions? I think you got all

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the basics.

MRS. SPINDLER: We don't have electricity running to it.

MR. KANE: So you understand even once we get to the public hearing even if the variance is approved for the shed you still have to meet all the standards that the building department puts out?

MRS. SPINDLER: Yes and that would be up to us to fix whatever it is.

MR. KANE: Yes, absolutely. If no further questions, I'll accept a motion.

MR. LUNDSTROM: I will offer a motion that the application for Timothy J. Spindler, 2 Sean Court, Rock Tavern, New York proceed to a public hearing.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM            AYE

MS. LOCEY                AYE

MR. KANE                 AYE

MR. KANE: Just follow the information right on there and if you have any questions give Miss Mason a call.

MRS. SPINDLER: Thank you so much.

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE: April 18, 2007**

**APPLICANT: Timothy J. Spindler  
2 Sean Court  
Rock Tavern, NY 12575**

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 4/17/07**

**FOR : Shed**

**LOCATED AT: 2 Sean Court**

**ZONE: R-1 Sec/Blk/ Lot: 52-1-79.4**

**DESCRIPTION OF EXISTING SITE: Single family dwelling with 10x14ft. shed.**

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

- 1. 300-11A, 3 Accessory buildings. No accessory building shall project nearer to the street on which principal building fronts than such principal building. A variance to permit a 10x14 ft. shed closer to Sean Court than the principle building is required.**

*Ross J. Lynch*  
BUILDING INSPECTOR

PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-1    USE:    Bulk Tables

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

**COPY**

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

APR 17 2007

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and permit test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:

Building Permit # 2007-247

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Timothy Spindler

Address 2 Sean Ct. Rock Tavern, NY Phone # 845-496-6146

Mailing Address Same Fax # \_\_\_\_\_

Name of Architect N/A

Address N/A Phone \_\_\_\_\_

Name of Contractor N/A

Address N/A Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_  
(Name and title of corporate officer)

1. On what street is property located? On the east side of Sean Court  
(N, S, E or W)  
and 100 feet from the intersection of Tolman Rd.

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y N ☒

3. Tax Map Description: Section 52 Block 1 Lot 79.4

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Residence b. Intended use and occupancy Shed

5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? \_\_\_\_\_

7. Dimensions of entire new construction. Front 14' Rear 14' Depth 10' Height 7' No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: N/A Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \$3,300 Fee \$50-

nh# 846

ZONING BOARD

date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW Windsor, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Liel & Paula Kryshen  
New Windsor Town Hall  
855 Union Avenue  
New Windsor, New York 12553  
(845) 883-4518  
(845) 883-4685 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Owner's Signature)

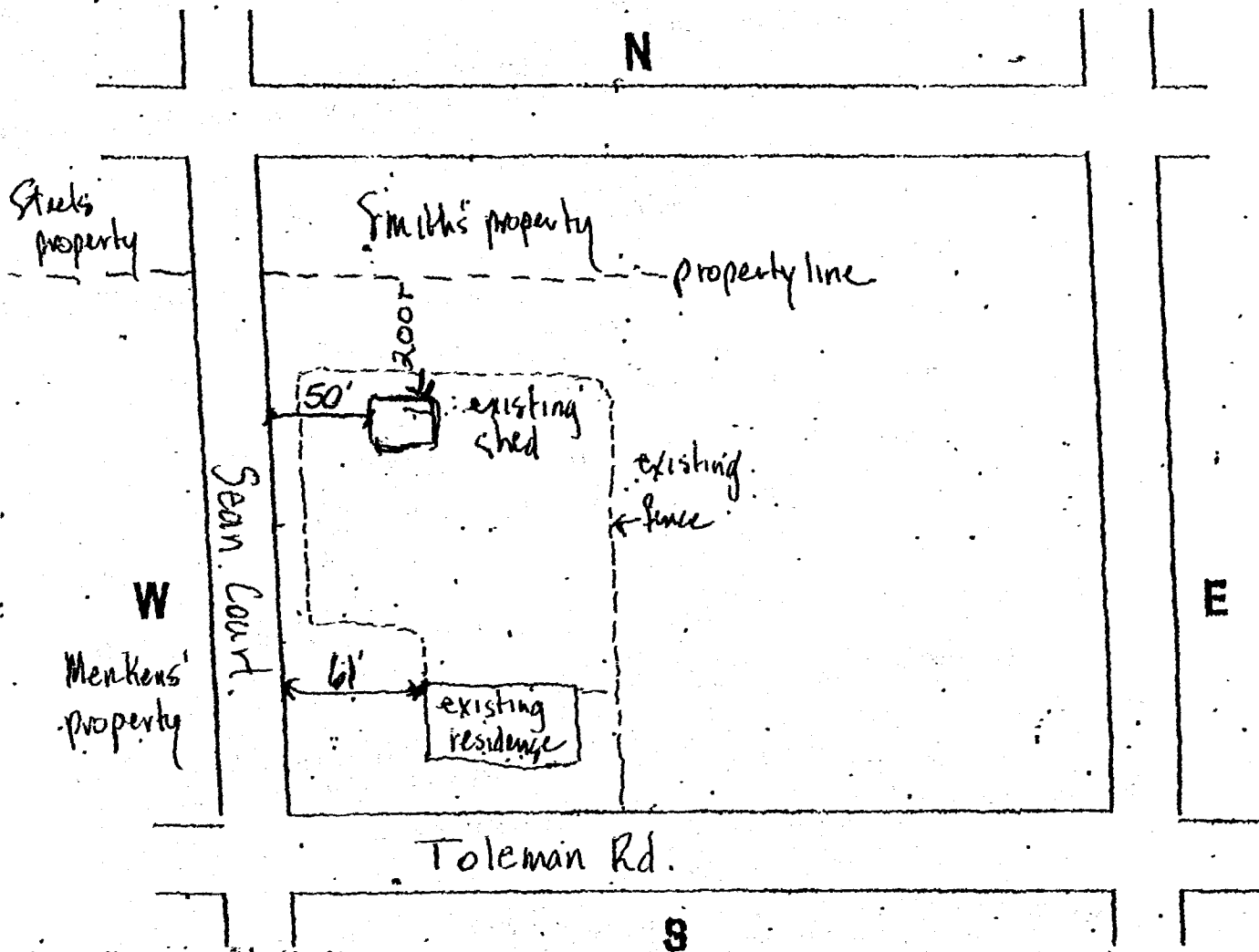
(Address of Applicant)

(Owner's Address)



NOTE:

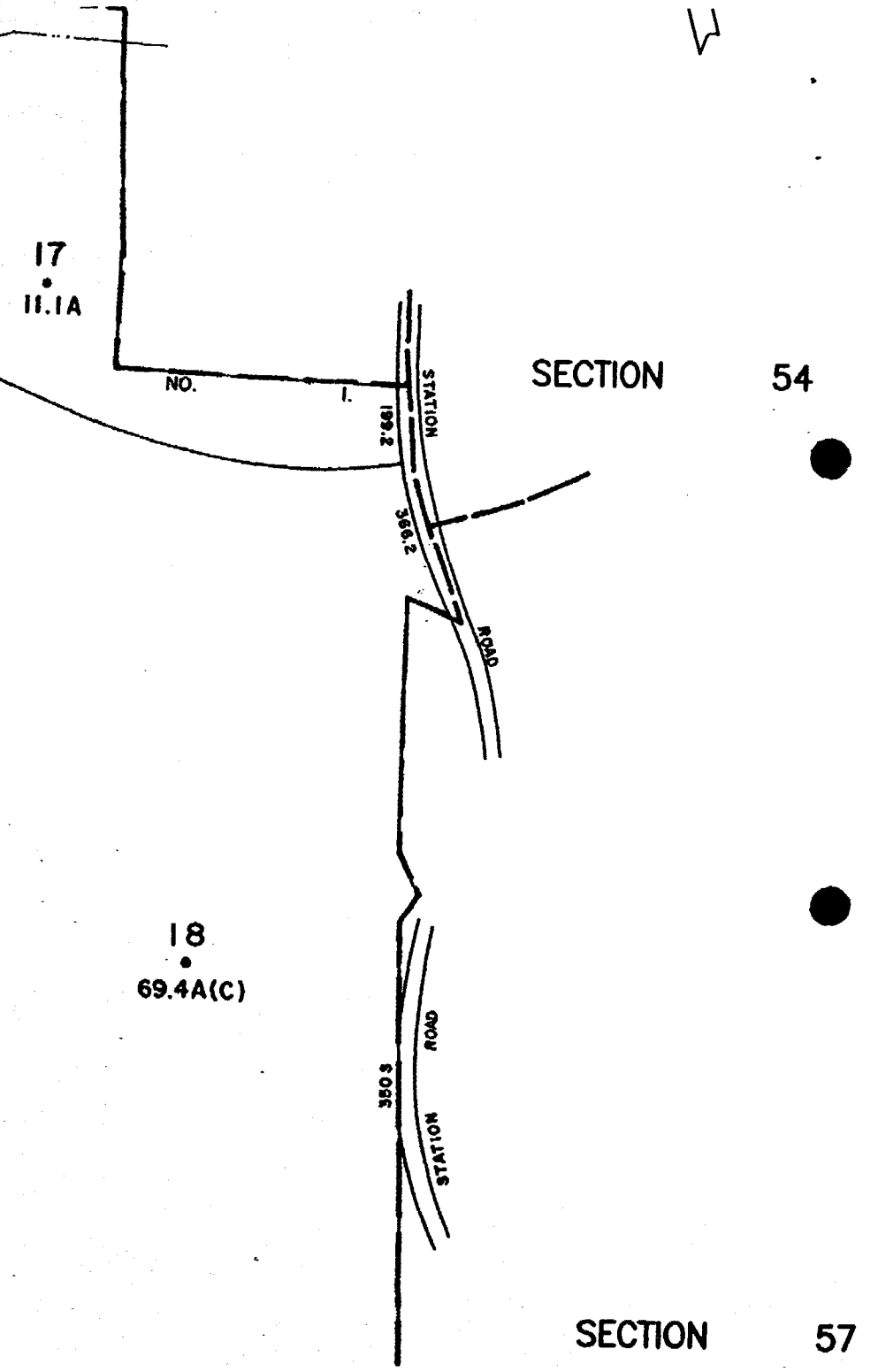
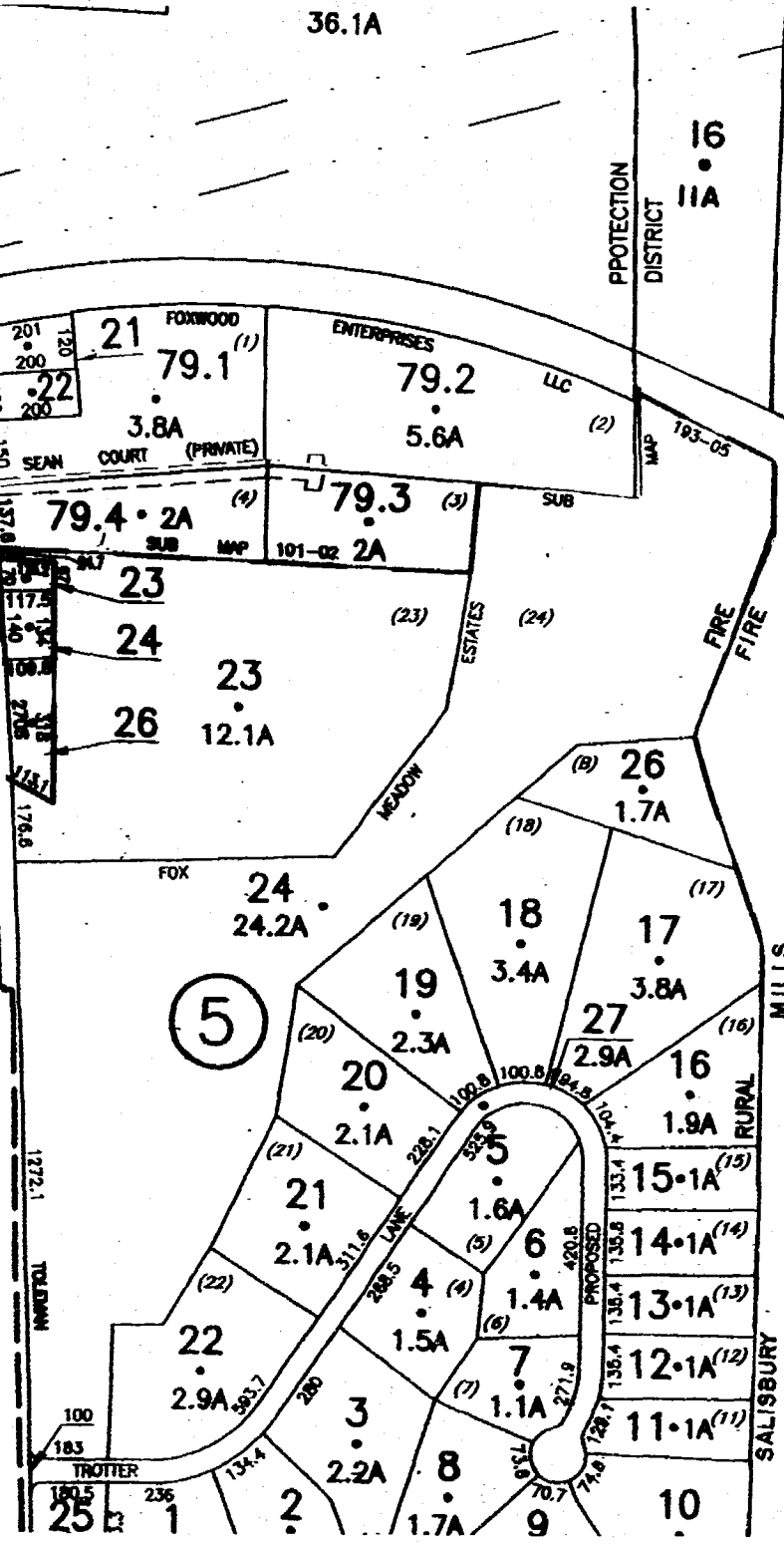
Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
APPLICANT  
FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

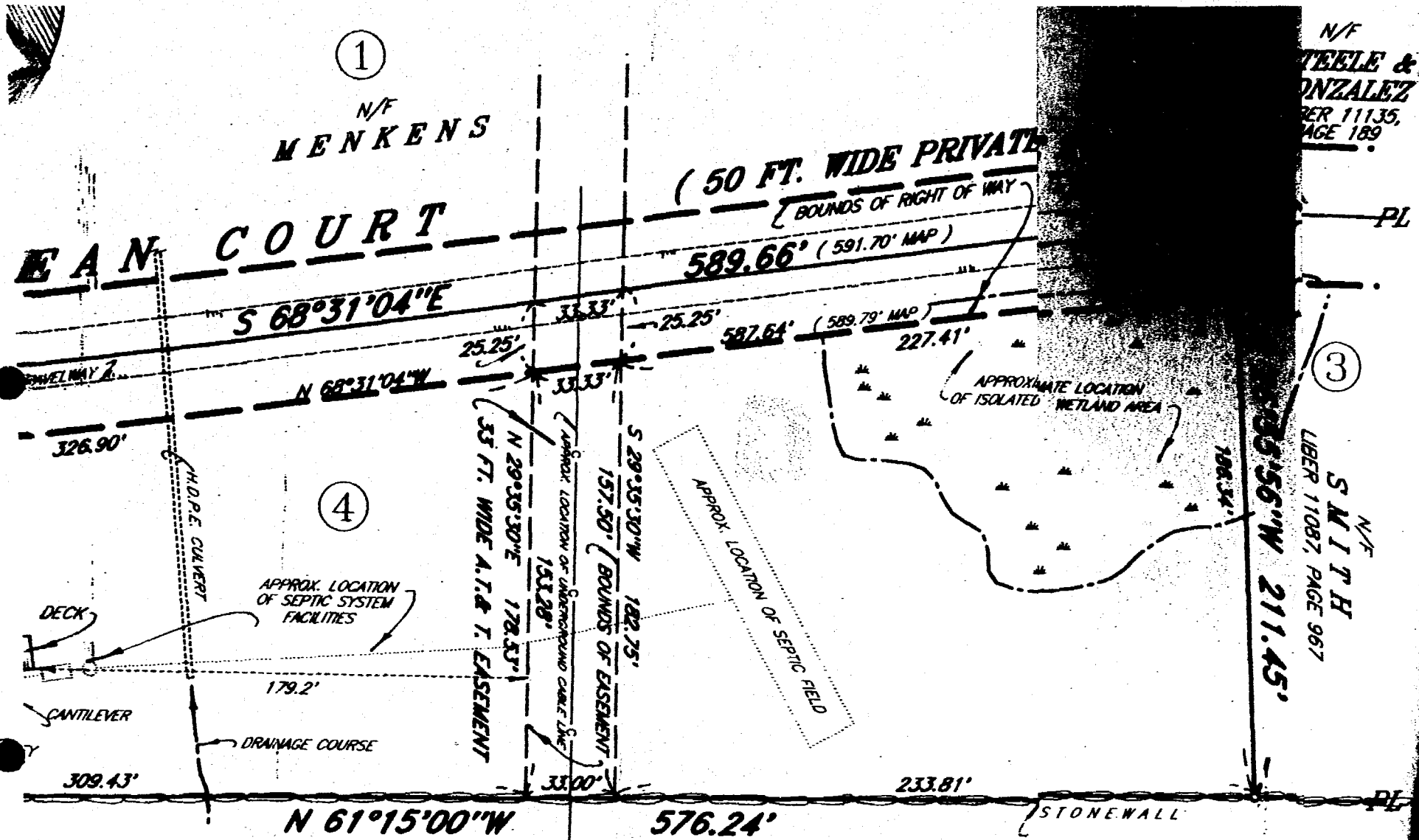
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80. 1A  
81. 3.9A  
14.3  
78.1. 1A  
77. 1A  
76. 1A  
75. 1A  
25.2  
1.2  
10. 2.3A  
9. 2.3A  
8. 2.3A

SECTION 74



SECTION 54

SECTION 57



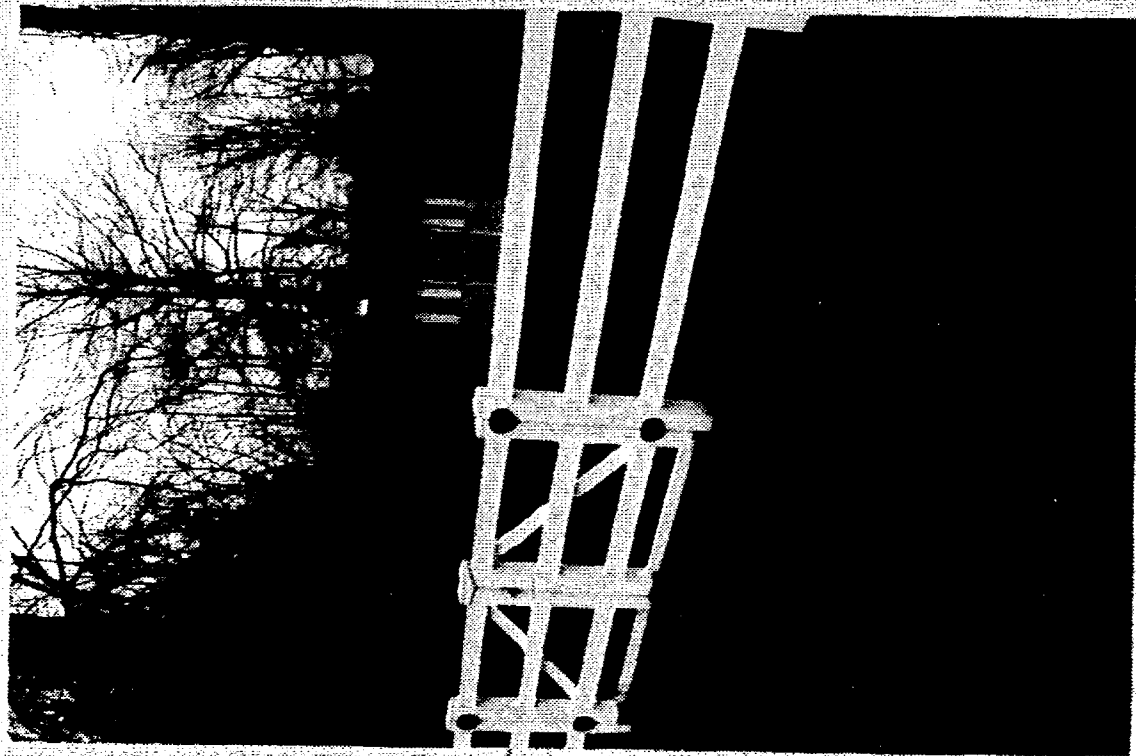
N/F  
**IGG & DELLACAVA**  
 LIBER 5587, PAGE 50

**SURVEY OF PROPERTY**  
**FOR**  
**TIMOTHY J. & IVANA**  
**SPINDLER**

ATION OF ALL UNDERGROUND  
 AS SHOWN HEREON ARE  
 WATE AND SUBJECT TO

N/F  
**STEELE & DONZALEZ**  
 LIBER 11135, PAGE 189

N/F  
**S M I T H**  
 LIBER 11087, PAGE 967



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: JACK FINNEGAN, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: 11-30-07**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 174.12 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #07-12**

**NAME & ADDRESS:**

**Timothy Spindler  
388 Strawridge Road  
Wallkill, NY 12589**

**THANK YOU,**

**MYRA**

**J.F.11-30-07**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #07-12

TYPE:SIGNTELEPHONE: 496-6146

**APPLICANT:**

Timothy Spindler  
388 Strawridge Road  
Wallkill, NY 12589

RESIDENTIAL:	\$ 50.00	CHECK # <u>847</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 848



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>3</u>	PAGES	<u>\$21.00</u>	<u>\$ 35.00</u>
2 <sup>ND</sup> PRELIMINARY:	—	PAGES	<u>\$</u>	<u>\$</u>
PUBLIC HEARING:	<u>3</u>	PAGES	<u>\$21.00</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	—	PAGES	<u>\$</u>	<u>\$</u>

LEGAL AD: Publish Date:04-27-07 \$ 13.88

TOTAL:	<u>\$55.88</u>	<u>\$ 70.00</u>
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ESCROW POSTED: \$ 300.00  
LESS: DISBURSEMENTS: \$ 125.88

AMOUNT DUE: \$

REFUND DUE: \$ 174.12

Cc:

J.F. 11-30-07



# THE SENTINEL

P.O. BOX 406  
VAILS GATE, NY 12584

## Invoice

Date	Invoice #
5/4/2007	322

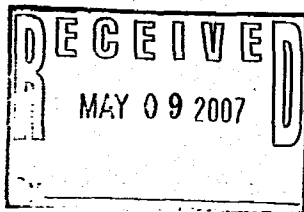
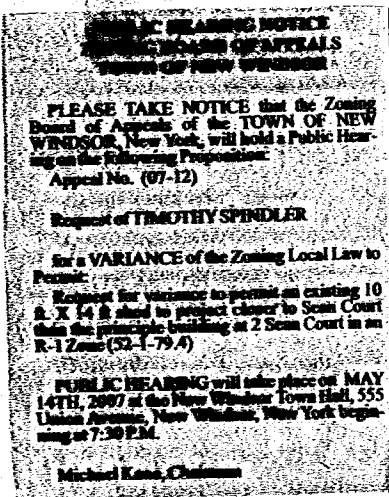
Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

*MH*

P.O. No.	Terms	Project
49173		

Issue Date	Description	Rate	Amount
4/27/2007	LEGAL ADS: APPEAL NO. 07-12 TIMOTHY SPINDLER	9.88	9.88
	2 AFFIDAVITS	4.00	4.00
<div>RECEIVED MAY 09 2007</div>			
Total			\$13.88

State of New York  
County of Orange, ss:  
Kathy Amanatides being duly  
sworn disposes and says that she is  
The Supervisor of Legal Dept. of  
the E.W. Smith Publishing  
Company; Inc. Publisher of The  
Sentinel, a weekly newspaper  
published and of general  
circulation in the Town of New  
Windsor, Town of Newburgh and  
City of Newburgh and that the  
notice of which the annexed is a  
true copy was published in said  
newspaper, 1X time(s)  
commencing on  
the 27 day of Apr A.D., 2007  
and ending on the 27 day of  
Apr A.D. 2007



Subscribed and shown to before  
me this 27th day of April, 2007

Kathleen O'Brien  
Notary Public of the State of New  
York County of Orange.

My commission expires 7-31-09.

KATHLEEN O'BRIEN  
Notary Public, State of New York  
Qualified in Orange County  
No. 0104703612  
Commission Expires July 31, 09



ZBA #07-12

Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#268-2007**

04/20/2007

Spindler, Timothy

Received \$ 50.00 for Zoning Board Fees, on 04/20/2007. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 04-19-07

FOR: 07-12 ESCROW

FROM:

**Timothy Spindler**  
**2 Sean Ct.**  
**Rock Tavern, NY 12575**

CHECK FROM:  
SAME

CHECK NUMBER: 848

TELEPHONE: 496-6146

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

4-20-07

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



## **COUNTY OF ORANGE**

**EDWARD A. DIANA**  
COUNTY EXECUTIVE

## **DEPARTMENT OF PLANNING**

124 MAIN STREET  
GOSHEN, NEW YORK 10924-2124  
TEL: (845)291-2318 FAX: (845)291-2533  
www.orangecountygov.com/planning

**DAVID CHURCH, A.I.C.P.**  
COMMISSIONER

### **ORANGE COUNTY DEPARTMENT OF PLANNING** **239 L, M OR N REPORT**

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and countywide considerations to the attention of the municipal agency having jurisdiction.

**Referred by:** Town of New Windsor  
Zoning Board of Appeals

**Reference/County ID No.:** NWT18-07M

**County Tax ID:** S52 B1 L79.4

**Applicant:** Timothy Spindler

**Proposed Action:** Area Variance for existing shed

**Reason for Review:** Non-Mandatory

#### **Comments:**

1. The applicant seeks an area variance to permit an existing shed to remain nearer to the street the principle building on the site which, in this case, is a single-family home, in an R-1 Rural Residential zoning district.
2. Although this request has no countywide or inter-municipal impact this Department reminds the ZBA to grant only the minimum variance deemed necessary and adequate to remedy the difficulty imposed by the dimensional requirements of the Town of New Windsor.

**County Recommendation:**

**Local Determination** XXXX

**Date:** May 22, 2007

**Prepared by:** Atticus Lanigan, Planner

**David Church, AICP**  
Commissioner of Planning



RESULTS OF Z.B.A. MEETING OF: May 14, 2007

PROJECT: Timothy Spindler ZBA # 07-12  
P.B.#

**P.B.#** \_\_\_\_\_

USE VARIANCE:      NEED: EAF      PROXY

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N. \_\_\_\_\_

GANN			
LUNDSTROM			
LOCEY			
TORPEY			
KANE		CARRIED: Y	N

NEGATIVE DEC: M) S) VOTE: A N

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y N

APPROVED: M) 3) VOTE: A N

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y N

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

**SCHEDULE PUBLIC HEARING:** M)\_\_\_ S)\_\_\_ VOTE: A N\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y\_\_\_\_\_ N\_\_\_\_\_

**PUBLIC HEARING:** **STATEMENT OF MAILING READ INTO MINUTES**  
**VARIANCE APPROVED:** M S VOTE: A 5 N 0.

**VARIANCE APPROVED:** M)      S)      VOTE: A 5 N 0

GANN	<u>A</u>
LUNDSTROM	<u>A</u>
LOCEY	<u>A</u>
TORPEY	<u>A</u>
KANE	<u>A</u>

**CARRIED: Y N**

[illegible]

**AFFIDAVIT OF MAILING**

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

TIMOTHY SPINDLER

**AFFIDAVIT OF  
SERVICE  
BY MAIL**

#07-12

X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 131 Mt. Airy Road, New Windsor, NY 12553.

That on the 1ST day of MAY, 2007, I compared the 22 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason

Myra L. Mason, Secretary

14<sup>th</sup> day of May, 2007

J. Gallagher  
Notary Public

**JENNIFER GALLAGHER**  
Notary Public, State of New York  
No. 01GA6050024  
Qualified in Orange County  
Commission Expires 10/30/10

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

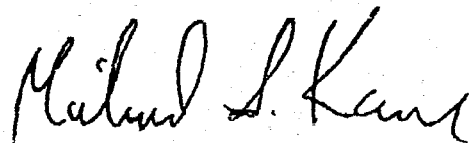
**Appeal No. (07-12)**

**Request of TIMOTHY SPINDLER**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for variance to permit an existing 10 ft. X 14 ft shed to project closer to Sean Court than the principle building at 2 Sean Court in an R-1 Zone (52-1-79.4)**

**PUBLIC HEARING will take place on MAY 14<sup>TH</sup>, 2007  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York  
beginning at 7:30 P.M.**



---

**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

April 20, 2007

Timothy Spindler  
2 Sean Ct.  
Rock Tavern, NY 12575

Re: 52-1-79.4      ZBA#: 07-12      (22)

Dear Mr. Spindler:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00 minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/rah  
Attachments

CC: Myra Mason, Zoning Board

52-1-18  
PETER & JOAN KEAN  
1 BRITTANY TERRACE  
ROCK TAVERN, NY 12575

52-1-21  
JACK DECKER  
462 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-22  
HAROLD & ANA FOSSUM  
380 BREEZEWAY LN. NE.  
PALM BAY, FL 32907

52-1-23  
RONALD SHIPMAN  
448 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-24  
ANGELA CABRI  
34-19 IRWIN AVE. APT. 511  
BRONX, NY 10463

52-1-25.22  
LAMBERTUS &  
SUSAN ROOSJE  
415 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-26  
JEFFERY LOBB &  
ARTHUR & SADIE LOBB  
436 TOLEMAN RD.  
WASHINGTONVILLE, NY 10992

52-1-44.3  
LINDA & ARTHUR NADAS  
506 BULL RD.  
ROCK TAVERN, NY 12575

52-1-75  
ROBERT H. &  
ROBERT J. SPARKS  
421 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-76  
JAMES SCHNEIDER  
425 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-77  
DENNIS & ROBYN MORGAN  
433 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-78.1  
JESSICA &  
KYLE COLEMAN  
439 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-78.21,77.22  
ANGELO &  
MICHELE SAKADELIS  
445 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-79.1  
LAWRENCE &  
DEBORAH MENKENS  
1 SEAN CT.  
ROCK TAVERN, NY 12575

52-1-79.2  
DAVID STEELE &  
JOSERA GONZALEZ  
3 SEAN CT.  
ROCK TAVERN, NY 12575

52-1-79.3  
BRETT & KARYN SMITH  
4 SEAN CT.  
ROCK TAVERN, NY 12575

52-1-81  
LISA THOMAS  
453 TOLEMAN TD.  
ROCK TAVERN, NY 12575

52-1-107  
LESTER CLARK &  
HENRY VANLEEUEWEN  
400 BAMAR DR.  
STONY POINT, NY 10980

52-1-110  
MATTHEW &  
KELLY ANN HANNA  
1 ROOSJE LN.  
ROCK TAVERN, NY 12575

52-1-111.2  
RONALD &  
ALICIA HOUSTON  
4 ROOSJE LN.  
ROCK TAVERN, NY 12575

52-5-23  
SILVANO GRECH  
151-38 7<sup>TH</sup> AVE.  
WHITESTONE, NY 11357

52-5-24  
ARTHUR BEAL &  
ROBIN RITNOUR  
360 TOLEMAN RD.  
WASHINGTONVILLE, NY 10992



RESULTS OF Z.B.A. MEETING OF: April 23, 2007

PROJECT: Timothy Spindler ZBA # 07-12

ZBA # 07-12  
P.B.#

**USE VARIANCE:**      **NEED: EAF** \_\_\_\_\_ **PROXY** \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**PUBLIC HEARING: M)**\_\_\_\_\_ **S)**\_\_\_\_\_ **VOTE: A**\_\_\_\_ **N**\_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y N

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

**SCHEDULE PUBLIC HEARING:** M) 4 S) 0 VOTE: A 3 N 0

GANN	A
LUNDSTROM	A
LOCEY	A
<del>TORREY</del>	
KANE	A

CARRIED: Y ☒ N

**PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES**

**VARIANCE APPROVED:** M)\_\_\_ S)\_\_\_ VOTE: A\_\_\_ N\_\_\_.

**GANN**  
**LUNDSTROM**  
**LOCEY**  
**TORPEY**  
**KANE**

**CARRIED: Y\_\_\_\_\_N\_\_\_\_\_.**

[illegible]

April 23, 2007 agenda

**Orange County Department of Planning**  
Application for Mandatory County Review of Local Planning Action  
(Variances, Zone Changes, Special Permits, Subdivisions)

To be completed by Local Board having jurisdiction.  
To be signed by Local Official.

MUNICIPALITY: TOWN OF NEW WINDSOR

TAX MAP ID: 52-1-79.4  
(Section-Block-Lot)

Local File #: 07-12

Project Name: TIMOTHY SPINDLER

Applicant:

Timothy Spindler

2 Sean Ct.

Rock Tavern, NY 12575

Send Copy of Letter to Applicant: (check one)

Yes ☒ No ☐

Attorney, Engineer, Architect: N/A

Location of Site: 2 SEAN CT. - ROCK TAVERN, NY

(Street, highway, nearest intersection)

Size of Parcel: \_\_\_\_\_ Existing Lots: XX Proposed Lots/Units: \_\_\_\_\_

Present Zoning District: R-1

**TYPE OF REVIEW:**

☐ Site Plan (SP): \_\_\_\_\_

☐ Special Use Permit\* (SUP) \_\_\_\_\_

☒ Variance\* USE (UV): \_\_\_\_\_

AREA (AV): XX

☐ Zoning District Change\* From: \_\_\_\_\_ To: \_\_\_\_\_

☐ Zoning Amendment To Section: \_\_\_\_\_

☐ Subdivision: Major \_\_\_\_\_ Minor \_\_\_\_\_

☐ Sketch

☐ Preliminary

☐ Final (Please indicate stage)

☐ Other Comments: \_\_\_\_\_

Date: 04-20-07

Myra Mason  
Signature

\* Cite Section of Zoning Regulations where pertinent.

**FOR COUNTY USE ONLY**

County ID# \_\_\_\_\_

GML 239 Referral Guide – 02/27/2007

*Sent 4/20/07*

**TOTAL CHARGES:** \_\_\_\_\_



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS



4/23

APPLICATION FOR VARIANCE

4/19/2007

Date

Application Type: Use Variance ☐ Area Variance ☒  
Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: (845) 496-6146  
Timothy Spindler Fax Number: ( )  
(Name)  
2 Sean Court Rock Tavern NY 12575  
(Address)

II. **Applicant:** Phone Number: (845) 496-6146  
Timothy Spindler Fax Number: ( )  
(Name)  
2 Sean Court Rock Tavern NY 12575  
(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ( )  
N/A Fax Number: ( )  
(Name)  
N/A  
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ( )  
Fax Number: ( )  
  
(Name)  
  
(Address)

V. **Property Information:**

Zone: R-1 Property Address in Question: 2 Sean Court  
Lot Size: Tax Map Number: Section 52 Block 1 Lot 79.4  
a. What other zones lie within 500 feet?  
b. Is pending sale or lease subject to ZBA approval of this Application?  
c. When was property purchased by present owner? 12/2003  
d. Has property been subdivided previously? N If so, When:  
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector?  
f. Is there any outside storage at the property now or is any proposed? Yes

\*\*\*\*PLEASE NOTE:\*\*\*\*\*

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
  - ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
  - ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
  - ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

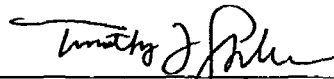
) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

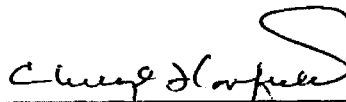
19 day of April 2007,



Owner's Signature (Notarized)

Timothy J. Spindler

Owner's Name (Please Print)



CHERYL L. CANFIELD

Notary Public, State of New York

Qualified in Orange County

#01CA6073319

Commission Expires April 22, 2010

Signature and Stamp of Notary

Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

~~Doesn't~~ the shed doesn't create an undesirable change  
to the neighborhood - it's in the back of the property near the tree line.  
There are no safety issues with the shed since it is enclosed in  
a 4' fenced yard. Easy access to the shed from Sean Court.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF  
SUBMITTAL.**

**COMPLETE THIS PAGE ☐**



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)



## ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST (PRELIMINARY) MEETING.

\*

### ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

\*\*

LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

## **PUBLIC HEARING LIST OF PROPERTY OWNERS**

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE). BRING ENOUGH ENVELOPES PREPARED WITH **YOUR** RETURN ADDRESS AND A REGULAR \$.39 STAMP WITH YOU....**YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.**
3. WHEN YOU COME IN TO PICK UP YOUR LIST, **ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.** YOU WILL BE GIVEN ENOUGH **"NOTICES OF PUBLIC HEARING"** TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)
4. **BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY.**

NOTE:

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## ZONING BOARD OF APPEALS

### TO ALL ZONING BOARD OF APPEALS APPLICANTS:

Please note the attached letter from Orange County Department of Planning asking that referrals be made to their office for review.

Due to this request, your application will be sent to Orange County Department of Planning for review. We are hoping to do this in a way that does not add to the time it normally takes to seek a variance.

Thank you for your cooperation in this matter.

ZONING BOARD OF APPEALS

Please Read



**COUNTY OF ORANGE****DEPARTMENT OF PLANNING**

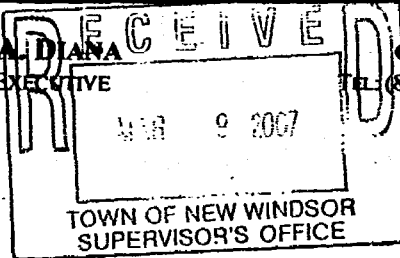
EDWARD A. DIANA  
COUNTY EXECUTIVE

124 MAIN STREET

GOSHEN, NEW YORK 10924-2124

TEL: (845)291-2318 FAX: (845)291-2533

DAVID CHURCH, A.I.C.P.  
COMMISSIONER



5 March, 2007

**POLICY REMINDER****REFERRAL OF CERTAIN MUNICIPAL PERMITS AND ACTIONS**

to COUNTY PLANNING as per NYS GENERAL MUNICIPAL LAW §239 L, M & N

**NEW POLICY GUIDEBOOK ATTACHED**

As an essential part of Orange County's renewed interest and involvement in planning and development policy, the Planning Department continues to gain staff capability and expertise. The Orange County Planning Department reviews all projects that meet the requirements of Section 239 of the NYS General Municipal Law (GML §239) for County referrals. Please be sure that your municipality is sending the required applications that come under the provisions of GML § 239. Keep in mind that if there is a project that falls under the non-mandatory review requirement, we will be glad to review it upon request of a municipal official.

**A new guidebook is attached detailing the NYS GML §239 referral process here in Orange County. Additional copies of this guidebook can be downloaded at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).**

As a refresher, prior to making a decision on certain permits or actions, GML § 239 requires that you send to County Planning a copy of the complete application for the following "proposed actions" that are within 500 feet of the properties or thresholds listed in the statute (GML § 239-m (3)):

1. The adoption of a municipal comprehensive plan, zoning ordinance or law, or an amendment to either one;
2. The granting of a use or area variance;
3. The issuance of special use permits;
4. Site plans for residential uses;
5. Site plans for non-residential uses;
6. Subdivisions plats;
7. Other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

Proposed "actions" must be referred to County Planning prior to your decision if they apply to real property within five hundred (500) feet of the following:

1. The boundary of any city, village or town;
2. The boundary of any existing or proposed county or state park or any other recreation area;

Orange County Planning Commissioner  
March 5, 2007 Memorandum on GML § 239 Referrals  
page 1 of 2 plus attachment

Please Read



PROJECT I.D. NUMBER

617.21

SEQR

## Appendix C

State Environmental Quality Review

## SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <i>Timothy/Ivana Spindler</i>	2. PROJECT NAME
3. PROJECT LOCATION: Municipality _____ County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>2 Sean Court intersecting w/ Tolman Rd.</i>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>A shed (10x14) placed 50 feet from Sean Ct.</i>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <i>Shed will be closer to the road than the residence</i>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>Timothy Spindler</i>	Date: <i>4/19/2007</i>
Signature: <i>Timothy Spindler</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

<b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?</b> If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</b> If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</b>	
C1. Existing air quality; surface or groundwater quality or quantity; noise levels; existing traffic patterns; solid waste production or disposal; potential for erosion, drainage or flooding problems? Explain briefly: <div style="text-align: center; margin-top: 10px;"><b>NONE</b></div>	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: <div style="text-align: center; margin-top: 10px;"><b>NO EFFECTS TO neighborhood or community</b></div>	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
<b>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No      If Yes, explain briefly	

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide on attachments as necessary, the reasons supporting this determination:	
Name of Lead Agency	
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)
Date	

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209 SUB-DIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

COPIES OF THIS SURVEY MAP NOT HAVING THE EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID.

CERTIFICATIONS SHOWN HEREON ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS, OR SUBSEQUENT OWNERS.

EASEMENTS OR RIGHT-OF-WAYS ON, OR UNDER THE LANDS, AND NOT VISIBLE, ARE NOT SHOWN.

**BEING:**

LOT 4 AS SHOWN ON A MAP ENTITLED "SUBDIVISION PLAT FOR FOXWOOD ENTERPRISES LLC", FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON MAY 14, 2002 AS MAP #101-02.

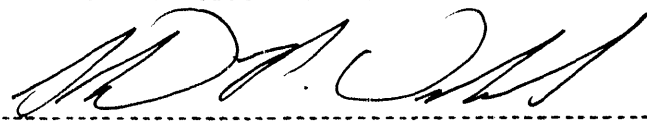
ALSO BEING LOT 79.4, BLOCK 1, SECTION 52 AS SHOWN ON THE TOWN OF BLOOMING GROVE TAX MAP.

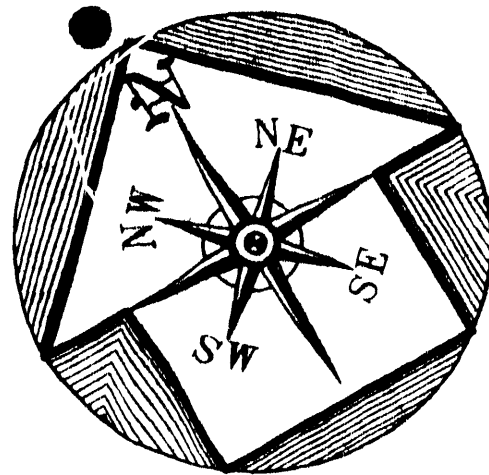
**AREA=**  
**2.3293 ACRES**

I HEREBY CERTIFY ONLY TO THE PARTIES LISTED HEREON THAT THIS MAP IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED ON 12/05/03 AND HAS BEEN PREPARED IN ACCORDANCE WITH THE CODE OF PRACTICE ESTABLISHED BY THE N.Y.S. ASSOC. OF PROFESSIONAL LAND SURVEYORS, INC.

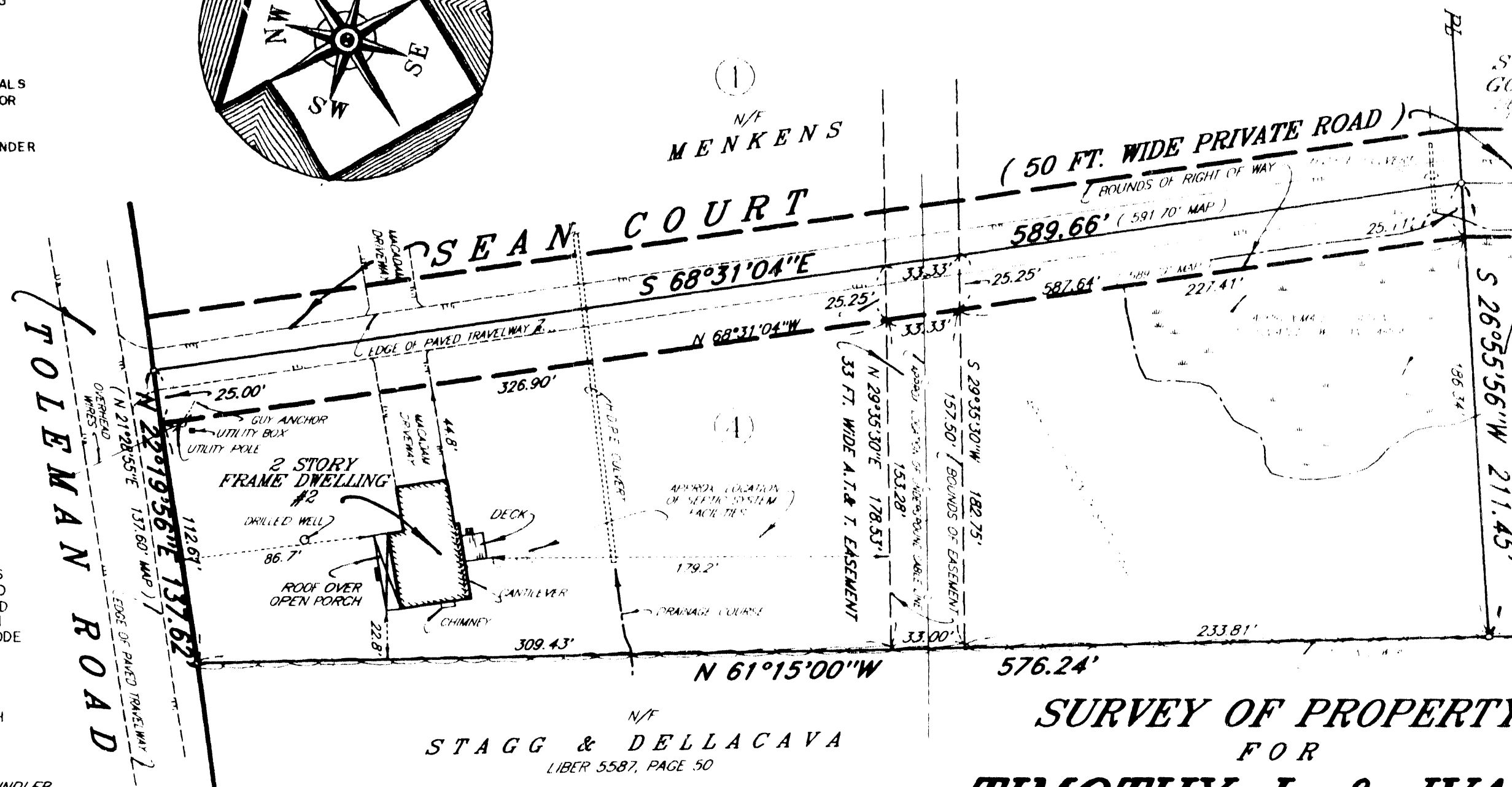
THIS CERTIFICATION DOES NOT RUN WITH TITLE TO THE LAND AND IS SUBJECT TO ANY STATE OF FACTS A TITLE SEARCH MAY REVEAL.

- \* TIMOTHY J. SPINDLER & IVANA SPINDLER,
- \* GREENPOINT MORTGAGE FUNDING, INC., ITS SUCCESSORS AND/OR ASSIGNS,
- \* CHICAGO TITLE INSURANCE COMPANY,
- \* TOWN OF BLOOMING GROVE

  
STEVEN P. DRABICK, PLS NY LIC. #49806



STEVEN P. DRABICK P.L.S., P.C.  
PROFESSIONAL L.A.  
PO BOX 539  
CORNWALL, NY 12431  
(845) 538-1111



**NOTE:** THE LOCATION OF ALL UNDERGROUND UTILITIES AS SHOWN HEREON ARE APPROXIMATE AND SUBJECT TO PHYSICAL VERIFICATION.

TOWN OF BLOOMING GROVE  
SCALE: 1"= 50'

ORANGE COU.  
DECEMBER 8,